

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	DATE FILED:
v.	:	CRIMINAL NO.: 03-815
ANTOINE TOMLIN	:	VIOLATIONS:
		18 U.S.C. § 1951 (conspiracy to commit Hobbs Act robbery – 1 count)
		18 U.S.C. § 1951 (Hobbs Act robbery -- 2 counts)
		18 U.S.C. § 924(c) (using and carrying a firearm during a crime of violence – 2 counts)
		18 U.S.C. § 2 (aiding and abetting – 4 counts)

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this indictment, the Sansom Street Oyster House, located at 1516 Sansom Street, Philadelphia, Pennsylvania, was a business that affected interstate commerce.

THE ROBBERY CONSPIRACY

2. From on or about January 22, 2001, to on or about April 14, 2002, in the Eastern District of Pennsylvania, defendant

ANTOINE TOMLIN

conspired and agreed with Anthony Wimberly, a/k/a "Munch," charged elsewhere, and Tysheed Brunson, charged previously, to unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, in that defendant TOMLIN and Anthony Wimberly and Tysheed Brunson agreed to unlawfully take and obtain personal property, that is

money, belonging to the Sansom Street Oyster House, 1516 Sansom Street, Philadelphia, Pennsylvania, a business engaged in interstate commerce, from the custody and possession of employees of that business, against their will, by means of actual and threatened force, violence, and fear of immediate and future injury to those employees, all in violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1) and 1951(b)(3).

MANNER AND MEANS OF THE CONSPIRACY

It was part of this conspiracy that:

3. Defendant ANTOINE TOMLIN and Anthony Wimberly chose to rob the Sansom Street Oyster House of a money on two occasions, in part because defendant TOMLIN had been employed by that business and, therefore, understood its operations.

4. Defendant ANTOINE TOMLIN and Anthony Wimberly used and carried weapons, including firearms, during these robberies to compel the employees of the restaurant to assist them in stealing money from the restaurant.

5. Tysheed Brunson supplied some of the weapons that defendant ANTOINE TOMLIN and Anthony Wimberly used during these robberies.

6. Defendant ANTOINE TOMLIN and Anthony Wimberly brought duct tape to the robberies to use to restrain the employees and customers of the restaurant to facilitate the robbery.

7 Defendant ANTOINE TOMLIN and Anthony Wimberly entered the restaurant with their faces covered so that the people inside could not identify them.

8. Defendant ANTOINE TOMLIN and Anthony Wimberly brought the proceeds of the robbery back to the home of Tysheed Brunson, where they all divided the proceeds.

OVERT ACTS

In furtherance of this conspiracy, in the Eastern District of Pennsylvania, the defendant, Anthony Wimberly and Tysheed Brunson committed the following overt acts:

1. On or about January 22, 2002, defendant ANTOINE TOMLIN and Anthony Wimberly robbed the employees of the Sansom Street Oyster House, 1516 Sansom Street,

Philadelphia, Pennsylvania, of approximately \$170.

2. On or about January 22, 2002, defendant ANTOINE TOMLIN and Anthony Wimberly brandished weapons, that is a .38 caliber revolver and a BB gun, to compel the employees of the restaurant to assist them in stealing money from the restaurant.

3. On or about January 22, 2002, defendant ANTOINE TOMLIN hit an employee of the Sansom Street Oyster House in order to steal the cash box from that employee.

4. On or about January 22, 2002, defendant ANTOINE TOMLIN and Anthony Wimberly fled to the home of Tysheed Brunson, where they counted the proceeds of the robbery and divided the proceeds between themselves and Brunson.

5. On or about April 13, 2002, defendant ANTOINE TOMLIN and Anthony Wimberly returned to the Sansom Street Oyster House and stole a safe containing approximately \$6000.

6. On or about April 13, 2002, defendant ANTOINE TOMLIN and Anthony Wimberly brandished weapons, that is a .38 caliber revolver and a .22 caliber revolver, to compel the employees of the restaurant to assist them in stealing money from the restaurant.

7. On or about April 13, 2002, Anthony Wimberly bound the employees and customers of the restaurant with duct tape in order to facilitate the robbery.

8. On or about April 13, 2002, defendant ANTOINE TOMLIN and Anthony Wimberly fled the restaurant with the safe, but left it in the street because it was too heavy.

9. On or about April 13, 2002, Tysheed Brunson agreed to assist defendant ANTOINE TOMLIN and Anthony Wimberly by driving his car to where the safe had been dropped, assisting defendant TOMLIN and Wimberly load it into the car, and then driving defendant TOMLIN, Wimberly and the safe back to his residence.

10. On or about April 13, 2002, defendant ANTOINE TOMLIN, Anthony Wimberly and Tysheed Brunson hid the safe in the basement of Brunson's residence.

11. On or about April 13, 2002, defendant ANTOINE TOMLIN, Anthony Wimberly

and Tysheed Brunson removed money from the safe.

12. On or about April 13, 2002, defendant ANTOINE TOMLIN, Anthony Wimberly and Tysheed Brunson divided the proceeds of the robbery.

13. On or about April 14, 2002, defendant ANTOINE TOMLIN, Anthony Wimberly and Tysheed Brunson attempted to dispose of the safe after the money had been removed so that the safe would not be discovered by law enforcement.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 13, 2002, at Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

ANTOINE TOMLIN

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that, the defendant unlawfully took and obtained, and aided and abetted the taking and obtaining of, personal property, that is money, valued at approximately \$6000, belonging to the Sansom Street Oyster House, 1516 Sansom Street, Philadelphia, Pennsylvania, a business engaged in interstate commerce, from the custody and possession of employees of that business, against their will, by means of actual and threatened force, violence, and fear of immediate and future injury to those employees.

In violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 13, 2002, at Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

ANTOINE TOMLIN

knowingly used and carried a firearm and aided and abetted and willfully caused the knowing use and carrying of firearms -- that is, a .38 caliber revolver and a .22 caliber revolver -- during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States -- that is, interference with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951.

In violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 22, 2002, at Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

ANTOINE TOMLIN

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that the defendant unlawfully took and obtained, and aid and abetted the taking and obtaining of, personal property, that is money, valued at approximately \$170, belonging to the Sansom Street Oyster House, 1516 Sansom Street, Philadelphia, Pennsylvania, a business engaged in interstate commerce, from the custody and possession of the employees of that business, against their will, by means of actual and threatened force, violence, and fear of immediate and future injury to those employees.

In violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 22, 2002, at Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

ANTOINE TOMLIN

knowingly used and carried firearms and aided and abetted and willfully caused the knowing use and carrying of firearms -- that is, a .38 caliber revolver -- during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States -- that is, interference with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951.

In violation of Title 18, United States Code, Sections 924(c) and 2.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY